

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERALD JACKSON, ROSLYN JACKSON,
DEAN MELLOM, JON PERRIN AND JULIE
PERRIN, individually and on behalf of all
others similarly situated,

Plaintiffs,

V.

THE ALIERA COMPANIES, INC., a Delaware corporation; ALIERA HEALTHCARE, INC., a Delaware corporation; TRINITY HEALTHSHARE, INC., a Delaware corporation,

Defendants.

NO. 2:19-cv-01281-BJR

**ORDER GRANTING PLAINTIFFS'
MOTION TO STRIKE ALIERA'S
ANSWER AND ENTER DEFAULT
JUDGMENT OR IN THE
ALTERNATIVE TO GRANT
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

THIS MATTER came before the Court on Plaintiffs' Motion for Class Certification. The Court has considered the Plaintiffs' Motion, the Declarations of Eleanor Hamburger, Jon Perrin, Dean Mellom, Roslyn Jackson, Neil F. Luria (both original and supplemental), and all attached Exhibits in Support of Plaintiffs' Motion attached to those declarations, the Declaration of Mailing (Dkt. No. 160) evidencing service of this Court's October 26, 2021 Order (Dkt. No. 159) and Notice of Additional Authorities. No response was received from Defendant Aliera.

ORDER GRANTING PLAINTIFFS' MOTION TO STRIKE
ALIERA'S ANSWER AND ENTER DEFAULT JUDGMENT
ETC. - 1
[Case No. 2:19-cv-01281-BJR]

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1 The Court has also considered the other pleadings and records on file.

2 Based upon the foregoing, and having found that Aliera is unrepresented,
3 despite service of the Motion and all documents in support of the motion (original and
4 supplemental) at Aliera's last known place of business, and on the recorded Assignee
5 for Aliera, and despite the allowance of sufficient time for Aliera to retain counsel (Dkt.
6 150) and respond, the Court hereby:

7 1. GRANTS Plaintiffs' Motion to Strike Aliera's Answer. The Clerk is hereby
8 ORDERED to strike Aliera's Answer from the record.

9 2. GRANTS Plaintiffs' Motion for Entry of Default.

10 3. GRANTS Plaintiffs' Motion for Default Judgment against Aliera. Pursuant to
11 Fed. R. Civ. P. 55(b)(2), the Court enters a default judgment against Defendant
12 Aliera in favor of Roslyn and Gerald Jackson, Dean Mellom, Jon and Julie
13 Perrin, and the Plaintiff Class. Based upon the records and pleadings herein,
14 and as described in the Court's oral ruling (incorporated herein by reference),
15 the Court concludes that Defendant Aliera designed, marketed, and sold the
16 Named Plaintiffs and the Plaintiff Class unauthorized and illegal health
17 insurance. The Court further concludes that Aliera's acts and omissions were
18 also violations of the Washington Consumer Protection Act. The damages
19 suffered as a result of these illegal and fraudulent practices is as follows:

20 (a) Roslyn and Gerald Jackson suffered damages in the amount of \$12,082.00
21 in reformation damages;

22 (b) Dean Mellom suffered damages in the amount of \$3,442.00 in rescission
23 damages;

24 (c) Jon and Julie Perrin suffered damages in the amount of \$7,107.92 in
25 rescission damages;

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- (d) the Plaintiff Class suffered damages totaling \$20,646,077.08 (excluding the damages assessed to the named plaintiffs), reflecting the greater of either (i) rescission damages or (ii) reformation damages for each member of the Class;
- (e) the Plaintiffs and Plaintiff Class are also entitled to an additional \$250 per class member in damages stemming from Aliera's violation of the Consumer Protection Act;
- (f) Accordingly, the total damages, including CPA damages, for Roslyn and Gerald Jackson is \$12,582.00; for Dean Mellom is \$3,692.00; and for Jon and Julie Perrin, is \$7,607.92. The Plaintiff Class, excluding the claims of the named plaintiffs, is awarded \$21,352,827.08 (\$20,646,077.08 in rescission/reformation damages and \$706,750 in CPA damages). Judgment shall and hereby is entered in these amounts.

4. Orders that Plaintiffs' counsel may petition for attorney fees and litigation costs pursuant to RCW 19.86.090 and *Olympic Steamship Co. v. Centennial Ins. Co.*, 117 Wn.2d 37, 811 P.2d 673 (1991).

DATED: November 11, 2021.

Barbara Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge

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